

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KATHLEEN ROSS,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

Case No. 17-CV-6294 (FB) (RML)

ROYAL PIZZA CAFÉ CORP. and  
MYRTLE AVENUE 5506 LLC,

Defendants.

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**BLOCK, Senior District Judge:**

Magistrate Judge Levy issued a Report and Recommendation (“R&R”) recommending that the defendants be enjoined to provide an entrance to their premises that complies with the Americans with Disabilities Act, and that the plaintiff be awarded \$1,500 in damages and \$3,771.67 in attorney’s fees and costs.

The R&R advised that objections were due within fourteen days of service and warned that “[f]ailure to file objections within the specified time waives the right to review.” R&R 15. The R&R was served on the defendants and their registered agent on August 2, 2018, making objections due August 16, 2018. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review.

*See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*,

313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts it without de novo review. The Clerk shall enter judgment accordingly.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
December 3, 2018